

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARY SMITH, *et al.*,

Plaintiffs,

V.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, *et al.*,

Defendants.

Case No. 2:23-cv-00092-JAD-NJK

Order

[Docket No. 119]

Pending before the Court is Defendants' motion for leave to file a surreply regarding Plaintiffs' motion for spoliation sanctions. Docket No. 119; *see also* Docket No. 105. Plaintiffs did not file a response and the time to do so has now passed. *See* Docket.

12 “A party is generally prohibited from raising new issues for the first time in its reply brief”
13 as the opposing party is not afforded an opportunity to respond. *Queensridge Towers LLC v.*
14 *Allianz Global Risk US Ins. Co.*, 2015 WL 1403479 at *3 (D. Nev. Mar. 26, 2015) (citing *Eberle*
15 *v. City of Anaheim*, 901 F.2d 814, 818 (9th Cir. 1990)). Therefore, “[w]here the moving party
16 presents new matters for the first time in a reply brief, the Court may either refuse to consider the
17 new matters or allow the opposing party an opportunity to respond.” *Steven Cohen Prods. Ltd. v.*
18 *Lucky Star, Inc.*, 2015 WL 3555384 at *3 (D. Nev. June 5, 2015) (citing *Zamani v. Carnes*, 491
19 F.3d 990, 997 (9th Cir. 2007)). A court may grant a party leave to file a surreply in order to afford
20 the opposing party that opportunity. *Id.* However, such a surreply may “only address new matters
21 raised in a reply to which a party would otherwise be unable to respond.” *Steven Cohen Prods.*
22 *Ltd.*, 2015 WL 3555384 at *3.

23 Here, Plaintiffs consented to the granting of Defendants' motion by failing to oppose it.
24 See Local Rule 7-2(d) ("failure of an opposing party to file points and authorities in response to
25 any motion...constitutes a consent to the granting of the motion").

26 Further, the Court has reviewed Defendants' motion and finds it to be meritorious.

1 Accordingly, the Court **GRANTS** Defendants' motion for leave to file surreply. Docket
2 No. 119. No later than October 22, 2024, Defendants must file their surreply, Docket No. 119-1,
3 on the Docket.

4 IT IS SO ORDERED.

5 Dated: October 18, 2024

Nancy J. Koppe
United States Magistrate Judge